

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK  
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BEECH-NUT NUTRITION CORPORATION,

Plaintiff,

-v-

6:08-CV-38

WATSON'S QUALITY FOOD PRODUCTS,  
INC., et al.,

Defendants.  
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DAVID N. HURD  
United States District Judge

**ORDER**

Pursuant to the oral decision of the Court, entered into the record after hearing oral argument on September 5, 2008, in Utica, New York, it is hereby

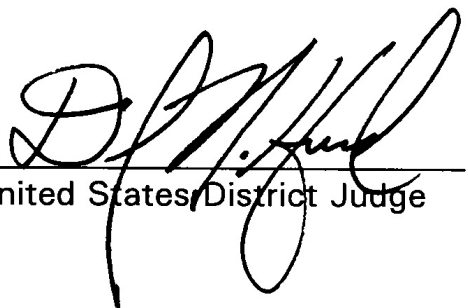
ORDERED that

1. Defendant Perdue Farms, Inc.,'s motion is GRANTED;
2. Defendant Watson's Quality Food Products, Inc.'s motion is GRANTED in part and DENIED in part;
3. The First, Third, and Fifth Causes of Action are DISMISSED as against defendants Perdue Farms, Inc. and Watson's Quality Food Products, Inc.;
4. The Second Cause of Action as against defendant Perdue Farms, Inc. is DISMISSED; Watson's Quality Food Products, Inc. remains as a defendant with regard to the Second Cause of Action;

5. Plaintiff Beech-Nut Nutrition Corporation's oral motion to amended its complaint is DENIED; and

6. Defendant Watson's Quality Food Products, Inc. may file and serve an Amended Cross Claim against defendant Perdue Farms, Inc., on or before September 26, 2008; failure to do so will result in automatic dismissal of the cross claim and dismissal of Perdue Farms, Inc. as a defendant in this case.

IT IS SO ORDERED.



United States District Judge

Dated: September 5, 2008  
Utica, New York.